IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3507 of 2007

Union of India & ors. .. Petitioners

versus

Shri Yeshwant Mahadev Mhangare .. Respondent

...

Mr.R.R. Shetty and Mr.Y.C. Master for the petitioners.

Mr.R.N. Sanghavi i/b S.P. Saxena & A.S. Rao for the respondent.

CORAM : S.B. MHASE AND
D.G.KARNIK, JJ

DATED : 17th July 2007.

P.C.:

. Heard.

2. The order dated 7th July 2006 passed by the Central Administrative Tribunal (for short "the Tribunal") in OA no.781 of 1998 is challenged by the

petition. The respondent was upgraded from the post of Stenographer Grade-III to Stenographers Grade-II on the basis of O.M. dated 6th February 1989. The contention of the petitioner was that the said O.M. is only applicable to the stenographer in civilian post and is not applicable to the stenographers in the Army - Non civilian posts. The Tribunal has found that the said OM is applicable to all stenographers and on the basis of the said O.M. the upgradation was made. The only ground on which action the petitioner is being reverted to stenographer Gr-III is that the petitioner is working with an office of the rank of Colonel and the Colonel is only entitled to get the stenographer Gr-II. To decide any gradation of the petitioner on the basis with whom he is working is not a correct proposition of law and we find that the Tribunal has rightly considered the matter.

3. There is no merit in the petition which is hereby rejected.

(D.G. KARNIK, J) (S.B. MHASE, J)